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Art Unit 2145
Serial No.: 09/823,725Reply to Office Action of: 11/28/2006
Attorney Docket No.: K35A0785REMARKSSTATUS OF THE CLAIMS:

Claims 1, 11, 12, and 17 are pending, Claims 2-10, 13-16, and 18-26 having been previously canceled. Applicant erroneously listed only Claims 1-24 (rather than 1-26) in the listing of claims provided in the last response, and that error has been corrected in this Request for Continued Examination. Claims 1, 11, and 17 stand rejected under 35 USC 102(e) as being anticipated by USPN 6,816,964 issued to Suzuki *et al.* (*Suzuki*). Claim 12 is rejected under 35 USC 103(a) as being unpatentable over Suzuki in view of USPN 6,529,784 issued to Cantos *et al.* (*Cantos*). Applicant respectfully traverses these rejections.

RESPONSE TO REJECTIONS:

Claims 1 and 17, as amended, each recite a "key file comprising a rule identifying the operation to be performed on the data" wherein "the data is an executable file; the operation comprises storing the executable file in a startup folder of the at least one client computer; and any files in a startup folder of a respective one client computer of the at least one client computer are run when the respective client computer starts up." These limitations are supported in the specification as originally filed at p. 8, lines 6-12 (files not removed or deleted from the startup folder are executed on startup). Accordingly, no new matter has been added. Applicant respectfully submits that none of the cited references teach, suggest, disclose, or describe the quoted limitations either expressly or inherently.

In Applicant's previous response of September 8, 2006, Applicant maintained that "[t]he downloaded executable script S [of *Suzuki*] is not stored in a startup folder so that it executes itself on startup." In response, the Examiner noted three reasons that this argument was not persuasive. First, the Examiner noted that the execution of the executable file was not explicitly recited in the claim language (Final Office Action, p. 4, para. 10). Second, the Examiner noted that the executable file is only explicitly recited as being stored in the startup folder, not executed or self-executed (*Id.*). Applicant has

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corrected both ambiguities in the claim language by amending the independent claims to recite "wherein ... any files in a startup folder of a respective one client computer of the at least one client computer are run when the respective client computer starts up," as noted in the explanation in the specification as originally filed at p. 8, lines 6-12. Applicant notes with appreciation the Examiner's correction that the executable file need not necessarily execute itself; it may either be executed by some agent (such as the operating system) or self-executed.

Lastly, the Examiner asserts that "Install file 13 [of *Suzuki*] integrates execution script S (including its commands) and other commands (see column 8, lines 31-37); surely install file 13 is a folder." Contrary to the Examiner's assertion, it is neither expressly stated nor inherently described in the disclosure of *Suzuki* that install file 13 is a folder. As per the well-known definitions in the art, a file stores information, while a folder is capable of storing multiple logical files (see, e.g., *Suzuki*, col. 6, lines 51-56 and also "hierarchical filing structure" taught in *Cantos*, col. 1, lines 41-51). Examples of install files 13 given in *Suzuki* include a DOS boot image file (including a DOS and LAN manager), an OS install image file, and an application install image file (*Suzuki*, col. 7, lines 10-17). None of these are folders capable of storing other files as files.

Nor does the Examiner's observation that install file 13 integrates the commands of execution script S demonstrate that install file 13 is a folder. Integrating the commands of execution script S only requires that install file 13 includes the information stored in the script file 11, but it does not require that this information be stored within install file 13 as a *file*. Indeed, as noted above, *Suzuki* teaches that the information is stored as part of a single file (install file 13), not as one or more files within a folder. Consequently, *Suzuki* fails to teach, suggest, disclose, or describe (expressly or inherently) a key file identifying an operation of storing an executable file in a startup folder of a client computer, wherein any files in the startup folder are run when the client computer starts up. None of the other cited references remedy this deficiency, meaning that the cited references fail to teach each and every element of independent Claims 1 and 17 or dependent Claims 11 and 12 (which inherently include all of the limitations of Claim 1). For at least these reasons, Applicant respectfully submits that Claims 1, 11,

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12, and 17 are allowable over the cited references and respectfully requests reconsideration and allowance of these claims.

CONCLUSION


In view of the foregoing amendments and/or remarks, Applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: February 23, 2007

By:


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